

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

THOMAS FARMER,
Defendant.

Criminal Case No. 3:13-cr-00162-DRD

**DEFENDANT'S NOTICE OF COMPLIANCE WITH THE
COURT'S SEPTEMBER 15, 2014 ORDER**

Defendant Thomas Farmer respectfully submits this Response to the Court's September 15, 2014 Order requesting the parties to indicate their preferences for when trial may begin, November 2nd or November 12th. After consulting with the prosecution, the defense would prefer the later date, while the prosecution the earlier date. The Court had also indicated that its heavy trial schedule may affect the Court's trial availability, and that the Court would advise the parties by early October of any conflicts that could affect the trial date. Defendant is still obtaining and reviewing discovery, and has several outstanding discovery and Brady requests upon the Government which are not yet resolved. One recipient of a document subpoena has filed a motion to quash—without first contacting defense counsel as requested—and this may lead to further proceedings. Given all of this, and the holiday season that a trial would have to navigate in November and December 2014, defendant respectfully suggests that a trial date be set in the period beginning after mid-January 2015. The Government opposes this.

Defendant Farmer has several outstanding motions, including: (a) Motions to Dismiss; (b) Motions for *Brady* and Rule 16 production (including a motion seeking a hearing on spoliation (Docket No. 144), and for vessel documents being withheld by the Government (Docket No. 185); (c) a fully briefed suppression motion (Docket Nos. 134, 140, 152, 157), and (d) motions *in limine* (Docket Nos. 209-221). Government production of the withheld hard drive of disputed vessel documents relating to the 50/50 vessel conspiracy would alone undoubtedly require some time to review.¹ Further, the defense is pursuing third party document discovery that will require further review. By refusing to identify any specific transaction in the Indictment, while claiming a six-year-long antitrust conspiracy, the Government has declined to make this an easier case to understand, much less to prepare for defense.

For the foregoing reasons, Defendant Farmer respectfully suggests that this Court satisfy itself about its trial availability, and schedule a trial date no earlier than November 12, 2014, and preferably after mid-January, 2015.

Respectfully submitted,

Dated: September 17, 2014

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¹ In addition, as this Court has pointed out, the Government decision not to identify *Brady* information within 99% of the voluminous documents it has produced compounds the risk that a trial will have to be continued, which no one prefers.

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CERTIFICATE OF SERVICE

I hereby certify on the 17th day of September, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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